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10/820,442	04/07/2004	Mikko Makela	042933/378783	7157

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The time period for reply, if any, is set in the attached communication.

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/820,442
Filing Date: April 07, 2004
Appellant(s): MAKELA, MIKKO

Jonathan A. Thomas
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 20, 2010 appealing from the

Office action mailed January 7, 2010.

The Examiner has modified the rejections presented in the Final Rejection of January 7, 2010, to properly indicate the claims rejected under 35 U.S.C. 102(a). These changes are reflected in section 9 below where it is now correctly indicated that Claims 1, 14, 15 and 24-41 are rejected under 35 U.S.C. 102(a) as being anticipated over the presented prior art.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application: Claims 1, 14-15, and 25-41.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

Chen, Y., Ma, W.J., and Zhang, H.J., "Detecting Web Page Structure for Adaptive Viewing on Small Form Factor Devices," Proceedings of the 12th International Conference on World Wide Web (WWW 2003), May 20-24, 2003, Budapest, Hungary, hereafter known as "Chen".

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 14, 15 and 24-41 are rejected under 35 U.S.C. 102(a) as being anticipated over <u>Chen, Y., Ma, W. J., and Zhang, H. J.</u> "Detecting Web Page Structure for Adaptive Viewing on Small Form Factor Devices," *Proceedings of the 12th international*

conference on World Wide Web (WWW 2003), May 20-24, 2003, Budapest, Hungary,

previously presented as "<u>Chen</u>".

Claims 1, 14, 15, 32, 36, and 37:

With regards to claim 1, Chen discloses a method comprising:

at least partially dividing at least one page into a plurality of areas (page 2,

paragraph 4: "From the extracted structure, different content blocks are identified.");

presenting said plurality of areas in a first representation (page 6 paragraph 1:

"the user will first receive an index page", paragraph 11: "We generate a thumbnail

image for the original web page, and mark the content blocks with different colors.");

making at least one area of said plurality of areas an active area (paragraph 11:

"We generate a thumbnail image for the original web page, and mark the content blocks

with different colors."); and

in response to a user operation on said at least one active area, presenting at

least one of said at least one of said at least one active areas in a second

representation (page 6 paragraph 1: "the user to access each sub-page through the

hyperlinks in the index page", page 8, Fig. 18(a) Page Splitting),

wherein said at least partially divided at least one page into a plurality of areas

comprises element-wise rendering elements contained in said at least one page to

obtain a rendered object with a maximum height and a maximum width, checking if a

size of said rendered object exceeds a threshold and forming an area from said

rendered object if said threshold is exceeded (page 3 3.2.1 Selecting Nodes: "We try to

classify a node into one of the header, footer, left side bar and right side bar blocks. If it

belongs to non of the above, then we check if it is small enough to put into the body

block. A pair of thresholds (one for width and the other for height) is used to determine

whether a node is small enough. If the node exceeds the thresholds, it will be split

further. The above process is iterated until all the nodes are classified into the five high-

level blocks."), and further comprises checking if at least one edge of said formed area

is not straight, and forming a smaller area from said rendered object if at least one edge

is not straight (pages 3-4 3.2.2 Detection of Header and Footer: Fig. 6(a) areas 1 and 2

do not form a straight edge, both cannot belong to header, a smaller area 2 is formed to

belong to header region).

With regards to claims 14, 15, 32, 36 and 37, each recite limitations similar to claim 1

and are rejected for similar reasons.

Claims 25, 29, 33 and 39:

With regards to claim 25, Chen discloses the method as in claim 1 above, and further

disclose wherein said at least partially dividing at least one page into a plurality of areas

comprises checking if a formed area can be combined with a previously formed area,

and combining said formed area and said previously formed area if they can be

combined (Fig. 12: detect patterns - merge). Claims 29, 33, and 39 recite limitations

similar to claim 25 and are rejected for similar reasons.

Claims 26, 30, 34 and 40:

With regards to claim 26, Chen discloses the method as in claim 25 wherein formed

areas may be combined, and further discloses wherein areas are combined if they have

a similar width, are horizontally similarly positioned and if their combined size does not

exceed a threshold (Page 5 paragraph 5: "A similarity measure based on text font, size,
color and tag properties is applied to cluster the atomic nodes into groups...Among the
patterns with the highest frequency, we select the longest one and group the pattern
using a new symbol if its length is larger than 1. If the length is equal to 1, we try to
merge it with the adjacent symbols."). Claims 30, 34 and 40 recite limitations similar to
claim 26 and are rejected for similar reasons.

Claims 27, 31, 35 and 41:

With regards to claim 27, Chen discloses the method as in claim 1 above, and further
discloses wherein said at least partially dividing at least one page into a plurality of
areas comprises checking if a formed area has to be re-sectioned, and re-sectioning
said formed area if said formed area has to be re-sectioned, wherein said re-sectioning
comprises forming a new area which is smaller than the presently formed area (pages
3-4 3.2.2 Detection of Header and Footer: Fig. 6(a) areas 1 and 2 do not form a straight
edge, both cannot belong to header, a smaller area 2 is formed to belong to header
region). Claims 31, 35 and 41 disclose limitations similar to claim 27 and are rejected
for similar reasons.

Claim 28:

With regards to claim 28, Chen discloses the apparatus as in claim 15 above, and
further discloses wherein apparatus is a mobile phone (page 1 paragraph 1: "mobile
device", paragraph 3: "smart phones").

Claim 38:

With regards to claim 38, Chen discloses the apparatus as in claim 37 above, and

further discloses wherein apparatus is a content optimization server (page 7 paragraph

4: "conducted on a personal computer with 1.7GHz CPU and 512M main memory").

(10) Response to Argument

Appellant argues (pages 13-14) that the Examiner has misinterpreted the claimed

invention and subsequently misapplied the cited art of Chen. The Examiner respectfully

disagrees. The claimed language in question, that of the limitation found in claim 1, is

repeated below:

> "wherein said at least partially dividing at least one page into a plurality of areas
>
> comprises element-wise rendering elements contained in said at least on page to obtain
>
> a rendered object with a maximum height and a maximum width, checking if a size of
>
> said rendered object exceeds a threshold, and forming an area from said rendered object
>
> if said threshold is exceeded."

Clearly, from this limitation, one can see several broad concepts, "element wise

rendering elements", "rendered object with a max height and width", and "exceeding a

threshold" - joined together in a way that results in a limitation that is itself still broad.

Chen, as presented in the rejections above, checks rendered objects and categorizes

them into smaller objects for browsing by a mobile device. That is, Chen discloses at

least partially dividing a page into a plurality of areas comprises element-wise rendering

elements ("We try to classify a node into one of the header, footer, left side bar and right

side bar blocks.") contained in said at least one page to obtain rendered object with a

maximum height and maximum width ("If it belongs to non of the above, then we check

if it is small enough to put into the body block."), checking if a size of said rendered

object exceeds a threshold and forming an area from said rendered object if said

threshold is exceeded ("A pair of thresholds (one for width and the other for height) is

used to determine whether a node is small enough. If the node exceeds the thresholds,

it will be split further."). The argument is not persuasive.

In response to Appellant's argument that the references fail to show certain

features of Appellant's invention, it is noted that the features upon which Appellant relies

(i.e., pages 13-14: top-down vs. bottom-up approach) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Appellant further argues (pages 15-16) that Chen fails in checking if at least one

edge of a formed area is straight, and forming a smaller area from said rendered object

if at least one edge is not straight, as claimed. The Examiner notes that the claimed

language is again broad. Chen discloses the use of a straight line to check which area

belongs in which category as a method of further splitting the areas. Chen says that

when two objects (Fig. 6) are next to each other, and a straight line is drawn, it

separates the objects into different categories based on this straight edge, i.e. it takes

the concept of (area 1 and 2) which together form an edge which is not straight, and

forms a smaller area (area 1) and (area 2) based on this. This anticipates the limitation

in question and the argument is not persuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/A. T./

Examiner, Art Unit 2175

December 5, 2010

Conferees:

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175

/Kieu Vu/

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